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Patent US 501C6  
Attorney Docket: 244,610-241



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**TSUGITA, Ross et al.**

**Serial No.: 10/751,266**

Filed: January 2, 2004

For: METHODS FOR PROTECTING A  
PATIENT FROM EMBOLIZATION  
DURING SURGERY

Group Art Unit: 3731

Examiner: To Be Assigned

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

- This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the

**CERTIFICATE OF MAILING (37 C.F.R. §1.10)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' (Label No. EV337189719US) in an envelope addressed to the PO Box 1450 Alexandria, VA 22313-1450.

May 17, 2004  
Date of Deposit  
IR1:1051005.1

Theresa M. Canett

mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
  - The fee due under 37 CFR § 1.17(p) is submitted herewith.
  - A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**Statement Under 37 CFR § 1.97(e):**

- Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.



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**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).  
 Please charge \_\_\_\_\_ to Deposit Account No. 50-2862 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to O'MELVENY & MYERS Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: May 17, 2004

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LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.  
244,610-241SERIAL NO.  
10/751,266APPLICANT:  
Tsugita, et al.FILING DATE:  
January 2, 2004GROUP:  
3731MAY 20 2004  
RECEIVED  
U.S. PATENT AND TRADEMARK OFFICE

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
AA	4,723,549	02/1988	Wholey et al.	128	344	
AB	4,733,665	03/1988	Palmaz	128	343	
AC	4,873,978	10/1989	Ginsburg	128	345	
AD	5,053,008	10/1991	Bajaj	604	104	
AE	5,330,484	07/1994	Gunther	606	128	
AF	5,695,519	12/1997	Summers et al.	606	200	
AG	5,769,816	06/1998	Barbut et al.	606	200	
AH	5,814,064	09/1998	Daniel et al.	606	200	
AI	5,827,324	10/1998	Cassell et al.	606	200	
AJ	5,925,060	07/1999	Forber	606	191	
AK	5,925,062	07/1999	Purdy	606	200	
AL	5,928,260	07/1999	Chin et al.	606	200	
AM	5,989,281	11/1999	Barbut et al.	606	200	
AN	5,993,469	11/1999	McKenzie et al.	606	159	

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	TRANSLATION NO
AO	0686379	02/1995	EPO				
AP	0696447	10/1995	EPO				
AQ	WO96/01591	01/1996	PCT				
AR	WO96/10375	04/1996	PCT				
AS	WO99/22673	05/1999	PCT				
AT	WO99/23976	05/1999	PCT				

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

**LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT**

(Use several sheets if necessary)

ATTY. DOCKET NO.  
244,610-241SERIAL NO.  
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January 2, 2004GROUP:  
3731

	AU	0533511	03/1993					
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**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO
	AV	SU764,684	09/1980	Soviet Union			X	
	AW	WO96/23441	08/1996	PCT				
	AX	WO98/33443	08/1998	PCT				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)**

AY	"Endovascular Grafts, Stents Drive Interventional Radiology Growth," <i>Cardiovascular Device Update</i> , 2(3):1–12 (March 1996)
AZ	"Percutaneous Techniques for Endoluminal Carotid Interventions," <i>J. Endovasc. Surg.</i> , 3:182–202 (1996)
BA	
BB	

**EXAMINER:****DATE CONSIDERED:**

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